

ORIGINAL

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

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UNITED STATES OF AMERICA

v.

NO. 3:17-CR-018-K

CURTIS MILLER
A.K.A. "JUICE" (06)

FACTUAL RESUME

In support of Curtis Miller's plea of guilty to the offenses in Count Five of the indictment, Curtis Miller, the defendant, Camille Knight, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSES *CL CM*

To prove the offense alleged in Count Five of the indictment, charging a violation of 21 U.S.C. § 846, that is, Conspiracy to Possess with Intent to Distribute Fifty Grams or More of a Mixture or Substance Containing a Detectable Amount of Cocaine Base, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That two or more persons, directly or indirectly, reached an agreement to distribute and possess with intent to distribute cocaine base, as charged in the indictment;
- Second.* That the defendant knew the unlawful purpose of the agreement;
- Third.* That the defendant joined in the agreement willfully, that is with the intent to further its unlawful purpose;
- Fourth.* That the overall scope of the conspiracy involved at least 50 grams

¹ See Fifth Circuit Pattern Jury Instruction 2.95 (5th Cir. 2015).

of a mixture or substance containing a detectable amount of cocaine base; and

Fifth. That the defendant knew or reasonably should have known that the scope of the conspiracy involved at least 50 grams of a mixture or substance containing a detectable amount of cocaine base.

The elements of Possession with Intent to Distribute a Controlled Substance, a violation of 21 U.S.C. § 841, are as follows:²

First. That the defendant knowingly possessed a controlled substance; as charged in the indictment;

Second. That the substance was in fact cocaine base;

Third. That the defendant possessed the substance with the intent to distribute it; and

Fourth. That the quantity of the substance was at least fifty grams or more.

STIPULATED FACTS

1. Curtis Miller admits and agrees that from on or about October 11, 2016 through on or about October 12, 2016, within the Northern District of Texas, Dallas Division, and elsewhere, he and at least one other person knowingly and intentionally combined, conspired, confederated, and agreed together and with each other to distribute and possess with the intent to distribute fifty grams or more of a mixture and substance containing a detectable amount of cocaine base, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), (b)(1)(B).

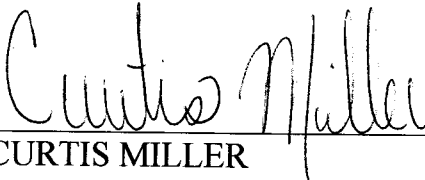
² See Fifth Circuit Pattern Jury Instruction 2.93 (5th Cir. 2015).

2. On October 11, 2016, an ATF confidential informant (“CI”) met with Curtis Miller aka “Juice” in the Jacray Apartment complex in the Dallas Division of the Northern District of Texas. They discussed Miller selling the CI two (2) ounces of crack cocaine. The next day, at approximately 6:00 p.m., the CI went to apartment #130 of the Jacray Apartments to complete the crack cocaine purchase. When the CI arrived at apartment #130, Anthony Hemphill-Person informed the CI that Ronald Hawthorne would have the two (2) ounces of crack cocaine for the CI shortly. The CI left the apartment, and returned a short time later and purchased the two (2) ounces of crack cocaine for \$2,000.00. Demario Williams, Anthony Hemphill-Person, Cory Nickerson, and Ladarius Floyd were present with firearms acting in furtherance of the drug transaction.


3. The defendant agrees that the defendant committed all the essential elements of the offenses charged in Count Five of the indictment. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant’s guilty plea to Count Five of the indictment.

AGREED TO AND STIPULATED on this 20 day of November, 2017.

ERIN NEALY COX
UNITED STATES ATTORNEY


CURTIS MILLER
Defendant


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